

SEVENTH DAY
(Monday, February 1, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Dallas, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Harris of Tarrant, Leedom.

A quorum was announced present.

Tom Neal, Dean of Student Services, Lamar University, Port Arthur, offered the invocation as follows:

Our gracious heavenly Father, as we come before You, please forgive us for the many ways in which we fail You.

During the challenging days ahead, we ask for Your special blessings on the State of Texas and her many citizens. Grant each and every one the ability to join together to strengthen our state in response to the demanding future ahead. As we move forward, help us focus on a vision and plan of action that would be pleasing to You.

We now ask for Your special blessings on the proceedings of this legislative body. Give them insight, understanding, strength, and wisdom to approach and accomplish the complex and critical job before them. Use these dedicated and committed elected officials, who represent us all, to meet the vast challenges and tasks ahead as they serve this great State of Texas.

Please strengthen and undergird us all as we go forth.

These things we ask in Your name. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 28, 1993, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Sims, Senator Leedom was granted leave of absence for today on account of important business.

On motion of Senator Harris of Dallas, Senator Harris of Tarrant was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 96

On motion of Senator Lucio and by unanimous consent, Senator Wentworth will be shown as Co-author of S.B. 96.

CO-AUTHOR OF SENATE BILL 205

On motion of Senator Moncrief and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 205.

CO-AUTHOR OF SENATE BILL 206

On motion of Senator Moncrief and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 206.

CO-AUTHOR OF SENATE BILL 207

On motion of Senator Moncrief and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 207.

CO-AUTHOR OF SENATE BILL 208

On motion of Senator Moncrief and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 208.

CO-AUTHOR OF SENATE BILL 209

On motion of Senator Moncrief and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 209.

CO-AUTHORS OF SENATE BILL 210

On motion of Senator Zaffirini and by unanimous consent, Senators Moncrief and Harris of Tarrant will be shown as Co-authors of S.B. 210.

CO-AUTHORS OF SENATE BILL 211

On motion of Senator Zaffirini and by unanimous consent, Senators Moncrief and Harris of Tarrant will be shown as Co-authors of S.B. 211.

CO-AUTHORS OF SENATE BILL 212

On motion of Senator Zaffirini and by unanimous consent, Senators Moncrief and Harris of Tarrant will be shown as Co-authors of S.B. 212.

MESSAGE FROM THE HOUSE

House Chamber
February 1, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 9, Commending the Honorable Lloyd Bentsen for his many years of outstanding service to the people of Texas, congratulating him on his unanimous confirmation as secretary of the United States Treasury, and inviting him to address a joint session of the 73rd Legislature of the State of Texas.

H.C.R. 27, Honoring Bill Cormack.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

- S.B. 199** by Whitmire Finance
Relating to retirement benefits and age and service requirements for judges.
- S.B. 201** by Parker Education
Relating to contractual agreements between the Texas Higher Education Coordinating Board and Texas Chiropractic College.
- S.B. 202** by Leedom State Affairs
Relating to the State Pension Review Board fund.
- S.B. 203** by Ellis Criminal Justice
Relating to drug-free zones and to the imposition of criminal penalties for the delivery, manufacture, or possession with the intent to deliver or manufacture a controlled substance in drug-free zones.
- S.B. 204** by Patterson Jurisprudence
Relating to the inspection of certain law-enforcement records and files of a child who is a party to a juvenile court proceeding.
- S.B. 205** by Moncrief, Health and Human Services
Harris of Tarrant, Zaffirini
Relating to the regulation of the provision of services to persons with certain disabilities; providing civil and criminal penalties; making an appropriation.
- S.B. 206** by Harris of Tarrant, Economic Development
Moncrief, Zaffirini
Relating to claims, review of claims, and fraudulent claims for benefits for certain health care and mental health care services covered by insurance; imposing civil penalties.
- S.B. 207** by Harris of Tarrant, Health and Human Services
Moncrief, Zaffirini
Relating to the regulation of the provision of mental health and chemical dependency services.
- S.B. 208** by Harris of Tarrant, Economic Development
Moncrief, Zaffirini
Relating to the offense of insurance claim fraud; providing a criminal penalty.
- S.B. 209** by Harris of Tarrant, Health and Human Services
Moncrief, Zaffirini
Relating to the crime victims compensation fund; providing penalties.
- S.B. 210** by Zaffirini, Health and Human Services
Moncrief, Harris of Tarrant
Relating to the regulation of the provision of services to persons with certain disabilities; providing civil and criminal penalties.
- S.B. 211** by Zaffirini, Health and Human Services
Moncrief, Harris of Tarrant
Relating to illegal remuneration; providing criminal penalties; making an appropriation.

S.B. 212 by Zaffirini, Health and Human Services
Moncrief, Harris of Tarrant
Relating to the regulation of medical rehabilitation services.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be Members of the TEXAS GUARANTEED STUDENT LOAN CORPORATION: Dr. Teofilo Jaime Chahin, Travis County; Dr. Barbara B. Reagan, Dallas County.

To be Chair of the STATE BOARD OF EDUCATION: Dr. Carolyn Honea Crawford, Jefferson County.

To be Commissioner of HEALTH AND HUMAN SERVICES: Richard C. Ladd, Travis County.

To be Members of the TEXAS HIGHER EDUCATION COORDINATING BOARD: Nancy Friedman Atlas, Harris County; Dr. Carlos D. Godinez, Hidalgo County; Rene Haas, Nueces County; Commissioner Andrew R. Melontree, Smith County; Martha Miller, Bowie County; Dr. Ray E. Santos, Lubbock County.

To be Members of the UNIVERSITY OF HOUSTON BOARD OF REGENTS: Zinetta A. Burney, Harris County; John Jay Moores, Fort Bend County; Wilhelmina R. Morian, Harris County.

To be Members of the TEXAS STATE TECHNICAL COLLEGE BOARD OF REGENTS: Gerald D. Phariss, Dallas County; Mollie Anna Solomon, Jefferson County.

To be Members of the TEACHERS PROFESSIONAL PRACTICES COMMISSION: Pedro Alaniz, Bexar County; Dr. Elden Royce Barrett, McLennan County; Maria R. Calderon, El Paso County; David Jay Clinkscale, Hood County; Dolores Cecelia De Avila, El Paso County; Willie Roy Gentry, Harris County; Michael Gary Hardin, Tarrant County; Daniel Hernandez, Hidalgo County; Joyce Roberta Miller, Harris County; Joyce L. Mosley, Kleberg County; Anne Lynch Orr, Harrison County; Lou Williams, Bexar County; Dr. John E. Wilson, Randall County.

To be Chief Justice of the COURT OF APPEALS, SECOND SUPREME JUDICIAL DISTRICT: Justice John G. Hill, Tarrant County.

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate:

S.C.R. 7

(Senator Harris of Dallas in Chair)

SENATE RESOLUTION 112

Senator Parker offered the following resolution:

WHEREAS, The citizens of Port Arthur annually express their pride in their beloved city on Port Arthur Day, celebrated this year on February 1, 1993; and

WHEREAS, The community spirit in Port Arthur exhibited during this happy celebration is eminently justified; the residents of this area have made it one of the outstanding cities in the great State of Texas; and

WHEREAS, Port Arthur has a rich history of hard work and determination in overcoming a variety of obstacles, including freezing weather and hurricanes; today the city is the vibrant center of one of the world's major oil refining districts, its initial refineries having been constructed to serve the flow of the famed Spindletop field; and

WHEREAS, This dynamic city is one of the busiest ports in the United States; its shipping facilities, the first of which were constructed in 1901, handle huge tonnages annually of imported oil, as well as diverse exports of chemicals, petroleum and paper products, wheat, and sorghum; and

WHEREAS, The recreational attractions of Port Arthur and its environs include Pleasure Island, Sea Rim State Park, and the Gulf beaches, which are enjoyed by the residents as well as thousands of tourists every year; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby join with the citizens of Port Arthur in paying tribute to their city on Port Arthur Day; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the City of Port Arthur in recognition of this splendid occasion and as an expression of congratulations from the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Parker was recognized and introduced to the Senate Dr. Michael Robertson and his wife Jane.

Dr. Robertson is here in honor of the Port Arthur Day celebration and will serve as the Senate Doctor for the Day.

The Senate welcomed Dr. and Mrs. Robertson.

SENATE CONCURRENT RESOLUTION 11

Senator Moncrief offered the following resolution:

WHEREAS, Monday, January 25, 1993, will be a day long cherished and remembered by Bruce and Stephanie Gibson for on that day their precious babies, William Levi and Madeline Denise, were born in Saint David's Hospital in Austin, Texas; and

WHEREAS, With William weighing six pounds and one ounce and Madeline weighing five pounds and eight ounces at birth, these cherished twins fulfilled their parents' dearest wishes by their healthy arrival; and

WHEREAS, The new parents are filled with joy over this long-awaited event, and these adorable babies have already found a permanent place in their parents' hearts; and

WHEREAS, William and Madeline are the source of much happiness and pride for all the family members who have heartily welcomed them into the family fold; and

WHEREAS, It is appropriate that the Texas Legislature welcome these native Texans to the illustrious ranks of the citizenry of this state; now, therefore, be it

RESOLVED, That the 73rd Legislature of the State of Texas hereby congratulate Mr. and Mrs. Bruce Gibson on their recent family addition and honor William Levi and Madeline Denise Gibson as two of the newest and most distinguished citizens of the State of Texas; and, be it further

RESOLVED, That a copy of this resolution be prepared for the Gibson family as an expression of high regard from the Texas Legislature with best wishes for much future happiness.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Moncrief, the resolution was considered immediately and was adopted by a viva voce vote.

(President in Chair)

SENATE BILL 171 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 171, Relating to the issuance of general obligation bonds for projects relating to state prisons and to an emergency appropriation to the Texas Department of Criminal Justice for the operation of state prisons, discretionary grants, and payments to counties.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

Amend **S.B. 171**, page 1 to add new subsections (b), (c), (d), (e) and (f) to Section 1 of **S.B. 171**.

(b) From the unissued balance of general obligation bonds that are authorized under Article III, Section 49-h, of the Texas Constitution, the Texas Public Finance Authority shall attempt to award to minority-owned businesses in the issuance of at least 20 percent of the issuance costs bonds.

(c) The Texas Department of Criminal Justice which will engage in acquiring, constructing or equipping new prisons as a result of the issuance of these bonds shall attempt to include minority-owned businesses in at least 20 percent of the total value of construction contracts awarded.

(d) The Executive Director of the Texas Public Finance Authority and the Texas Department of Criminal Justice shall report to the governor and the legislature at the end of each fiscal year on the total number and dollar amount of awards to minority-owned businesses under this section.

(1) The annual report must include:

(a) the number of businesses participating in bond issuances under the general obligation bonds;

(b) the number of businesses used in acquiring, constructing or equipping of new prisons as a result of contract awards;

(c) the number of minority-owned businesses submitting bids and/or proposals for the issuance of bonds from the general obligation bonds; and

(d) the number of minority-owned businesses submitting bids and/or proposals for the acquiring, constructing, or equipping of new prison contract awards.

(e) In this section, "minority-owned business" means a business entity at least 51 percent of which is owned by minority group members or, in the case of a corporation, at least 51 percent of the shares of which are owned by minority group members and that:

(1) is managed and, in daily operations, is controlled by minority group members; and

(f) "Minority group members" include:

(1) African-Americans;

(2) American Indians;

(3) Asian-Americans; and

(4) Mexican-Americans and other Americans of Hispanic origin.

ELLIS	ZAFFIRINI
MONCRIEF	WEST
TRUAN	BARRIENTOS

The amendment was read and was adopted by a viva voce vote.

RECORD OF VOTE

Senator Wentworth asked to be recorded as voting "Nay" on the adoption of the amendment.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 171 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 171 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Tarrant, Leedom.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

CAPITOL PHYSICIAN

Senator Patterson was recognized and presented Dr. Ruben Almaguer of Deer Park as the "Doctor for the Day."

The Senate welcomed Dr. Almaguer and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**COMMITTEE SUBSTITUTE
SENATE BILL 88 ON SECOND READING**

Senator Henderson moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 88 be taken up for consideration at this time:

C.S.S.B. 88, Relating to the validation of governmental acts and proceedings by municipalities.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Tarrant, Leedom.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 88 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 88 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris of Tarrant, Leedom.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

MEMORIAL RESOLUTION

S.R. 128 - By Barrientos: In memory of Captain H. Dale Allen of Austin.

CONGRATULATORY RESOLUTIONS

S.R. 120 - By Zaffirini: Commending the Texas Energy Education Development program and designating March 1993 as "Energy Month in Texas."

S.R. 121 - By Barrientos: Recognizing John M. Carrizales on the occasion of the 30th anniversary of his business, John's Body Shop, in Austin.

S.R. 122 - By Barrientos: Recognizing that the Austin Saengerrunde will celebrate its 114th anniversary by hosting the 47th annual Saengertag of the Deutsch-Texanischer Saengerbund, a statewide gathering of German choirs.

S.R. 123 - By Barrientos: Commending Raul Salinas for his work to advance the literacy and unity of the Austin community.

S.R. 124 - By Barrientos: Recognizing Austin poet Akwasi Evans for his worthy artistic contributions.

S.R. 125 - By Barrientos: Honoring award-winning poet and publisher Susan Bright for her unique works proclaiming women's place in history.

S.R. 126 - By Barrientos: Commending Hedwig Irene Gorski for her creative vision and for establishing the Poets Media Network.

S.R. 127 - By Barrientos: Recognizing May 1993 as Bluegrass Music Appreciation Month.

S.R. 129 - By Ellis: Recognizing Dr. Alando J. Ballantyne, who was named Distinguished Houston Surgeon for 1993 by The Houston Surgical Society.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 11:35 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 1, 1993

STATE AFFAIRS — S.B. 32, S.B. 97

NATURAL RESOURCES — C.S.S.B. 30

EIGHTH DAY

(Tuesday, February 2, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla,